MONTANA LEGISLATIVE HISTORY

Chapter 519 1997

Bill H 333 S _____ Original bill & history ✓ C

H. Committee on Human Services & Aging			S. Committee on Public Health...		
Hearing Date(s)	1/31	✓ C	Hearing Date(s)	3/17	✓ C
	2/14	✓ C		3/21	✓ C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendent information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

3/13	2ND READING CONCURRED	50	0
3/14	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
3/17	SIGNED BY SPEAKER		
3/18	SIGNED BY PRESIDENT		
3/19	TRANSMITTED TO GOVERNOR		
3/24	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 131		
	EFFECTIVE DATE: 10/01/97		

IB 331 INTRODUCED BY SOFT, ET AL. *LC0583 DRAFTER: NISS*

AMEND THE YOUTH ACCESS TO TOBACCO PRODUCTS CONTROL ACT

1/23	INTRODUCED		
1/23	FIRST READING		
1/23	REFERRED TO BUSINESS & LABOR		
1/23	FISCAL NOTE REQUESTED		
1/29	HEARING		
1/29	FISCAL NOTE RECEIVED		
1/30	FISCAL NOTE PRINTED		
2/01	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/11	2ND READING PASSED AS AMENDED	81	18
2/13	3RD READING PASSED	84	15
	TRANSMITTED TO SENATE		
2/14	FIRST READING		
2/14	REFERRED TO BUSINESS & INDUSTRY		
3/07	HEARING		
3/11	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/14	2ND READING CONCURRED	44	4
3/15	3RD READING CONCURRED	42	6
	RETURNED TO HOUSE WITH AMENDMENTS		
4/09	2ND READING AMENDMENTS CONCURRED	86	13
4/11	3RD READING CONCURRED AS AMENDED	80	16
4/19	SIGNED BY SPEAKER		
4/24	SIGNED BY PRESIDENT		
4/25	TRANSMITTED TO GOVERNOR		
5/02	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 518		
	EFFECTIVE DATE: 10/01/97		

HB 332 INTRODUCED BY MARSHALL, ET AL. *LC1111 DRAFTER: CAMPBELL*

REQUIRE PUBLIC CONTRACTS FOR ARCHITECTURAL ENGINEERING, AND LAND SURVEYING SERVICES TO INCLUDE A PROVISION REQUIRING PROFESSIONAL LIABILITY INSURANCE TO BE OBTAINED BY THE ARCHITECT, ENGINEER, LAND SURVEYOR, OR FIRM PROVIDING THE SERVICES AND TO ESTABLISH IN THE PROVISION THE AMOUNT OF COVERAGE AND TERMS OF THE PROFESSIONAL LIABILITY INSURANCE

1/23	INTRODUCED		
1/23	FIRST READING		
1/23	REFERRED TO BUSINESS & LABOR		
1/29	HEARING		
2/03	HEARING		
2/06	TABLED IN COMMITTEE		
2/27	MISSED DEADLINE FOR 45TH DAY TRANSMITTAL		
	DIED IN COMMITTEE		

HB 333 INTRODUCED BY SOFT, ET AL. *LC1059 DRAFTER: PETESCH*

ESTABLISH THE POLICY OF THE STATE TO PREVENT FETAL, INFANT, AND CHILD DEATHS

1/23	INTRODUCED		
1/23	FIRST READING		
1/23	REFERRED TO HUMAN SERVICES & AGING		
1/31	HEARING		
2/03	TABLED IN COMMITTEE		
2/17	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/19	2ND READING PASSED	61	39
2/20	3RD READING PASSED	67	33
	TRANSMITTED TO SENATE		
2/21	FIRST READING		
2/21	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
3/17	HEARING		
3/24	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/04	2ND READING CONCURRED	50	0
4/05	3RD READING CONCURRED	48	2
	RETURNED TO HOUSE WITH AMENDMENTS		
4/09	2ND READING AMENDMENTS CONCURRED	89	10
4/11	3RD READING CONCURRED AS AMENDED	69	26
4/20	SIGNED BY SPEAKER		
4/24	SIGNED BY PRESIDENT		
4/25	TRANSMITTED TO GOVERNOR		
5/02	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 519		
	EFFECTIVE DATE: 05/02/97		

HB 334 INTRODUCED BY PECK, ET AL. *LC1128 DRAFTER: PETESCH*

PROHIBIT THE THREATENED USE OF A PUBLIC OFFICER'S , PUBLIC EMPLOYEE'S, OR LEGISLATOR'S POSITION FOR PERSONAL OR BUSINESS BENEFIT OR ADVANTAGE

1/23	INTRODUCED		
1/23	FIRST READING		
1/23	REFERRED TO STATE ADMINISTRATION		
1/31	HEARING		
2/12	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/15	2ND READING PASSED	96	3
2/18	3RD READING PASSED	98	2
	TRANSMITTED TO SENATE		
2/19	FIRST READING		
2/19	REFERRED TO STATE ADMINISTRATION		
3/07	HEARING		
3/14	COMMITTEE REPORT—BILL CONCURRED		
3/17	2ND READING CONCUR MOTION FAILED	21	28
3/17	SEGREGATED FROM COMMITTEE OF WHOLE REPORT	46	3
3/18	REREFERRED TO STATE ADMINISTRATION		
3/27	TABLED IN COMMITTEE		
4/04	MOTION FAILED TO TAKE FROM COMMITTEE & PLACE ON 2ND READING	16	34
4/17	TAKEN FROM COMMITTEE & PLACED ON 2ND READING ON 4/17	28	21
4/19	2ND READING CONCUR MOTION FAILED	15	32

House BILL NO. 333

INTRODUCED BY Galt, McGee, Lynn DENNY

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE POLICY OF THE STATE TO PREVENT FETAL, INFANT, AND CHILD DEATHS; ENCOURAGING FETAL, INFANT, AND CHILD MORTALITY REVIEW THROUGH THE CREATION OF VOLUNTARY FETAL, INFANT, AND CHILD MORTALITY REVIEW TEAMS; PROVIDING ACCESS TO INFORMATION NECESSARY TO THE WORK OF FETAL, INFANT, AND CHILD MORTALITY REVIEW TEAMS; AMENDING SECTIONS 44-5-303, 50-16-525, AND 50-19-323, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Short title.** [Sections 1 through 4] may be cited as the "Fetal, Infant, and Child Mortality Prevention Act".

NEW SECTION. **Section 2. Statement of policy -- access to information.** (1) The prevention of fetal, infant, and child deaths is both the policy of the state of Montana and a community responsibility. Many community professionals have expertise that can be used to promote the health, safety, and welfare of fetuses, infants, and children. The use of these professionals in reviewing fetal, infant, and child deaths can lead to a greater understanding of the causes of death and the methods of preventing deaths. It is the intent of the legislature to encourage local communities to establish voluntary multidisciplinary fetal, infant, and child mortality review teams to study the incidence and causes of fetal, infant, and child deaths.

(2) A health care provider may disclose information about a patient without the patient's authorization upon request of a designated member of a local fetal, infant, and child mortality review team. The designated member may request and may receive information from a county attorney as provided in 44-5-303(4) and from a health care provider as provided in 50-16-525. The review team shall maintain the confidentiality of the information received.

(3) The local fetal, infant, and child mortality review team may:

(a) compile statistics of fetal, infant, and child mortality;

(b) analyze the preventable causes of fetal, infant, and child deaths, including child abuse and

neglect; and

(c) recommend measures to prevent future fetal, infant, and child deaths.

NEW SECTION. **Section 3. Local fetal, infant, and child mortality review team.** If a local fe infant, and child mortality review team is established, the team must be multidisciplinary and may inclu

(1) the county attorney or a designee;

(2) a law enforcement officer;

(3) the medical examiner or coroner for the jurisdiction;

(4) a physician;

(5) a school district representative;

(6) a representative of the local health department;

(7) a representative of the department of public health and human services;

(8) a forensic pathologist;

(9) a pediatrician;

(10) a family practice physician;

(11) an obstetrician;

(12) a nurse practitioner;

(13) a public health nurse;

(14) a mental health professional;

(15) a local trauma coordinator; and

(16) representatives of the following:

(a) local emergency medical services;

(b) a local hospital;

(c) a local hospital medical records department;

(d) a local fire department; and

(e) any other entity that the team considers appropriate.

NEW SECTION. **Section 4. Records -- confidentiality.** Material and information obtained by a local fetal, infant, and child mortality review team are not subject to disclosure under the public records law. Material and information obtained by a local fetal, infant, and child mortality review team are not subject

to subpoena unless the material and information are reviewed by a district court judge and ordered to be provided to the person seeking access.

Section 5. Section 44-5-303, MCA, is amended to read:

"**44-5-303. Dissemination of confidential criminal justice information.** (1) Except as provided in ~~subsection~~ subsections (2) through (4), dissemination of confidential criminal justice information is restricted to criminal justice agencies, to those authorized by law to receive it, and to those authorized to receive it by a district court upon a written finding that the demands of individual privacy do not clearly exceed the merits of public disclosure.

(2) If the prosecutor determines that dissemination of confidential criminal justice information would not jeopardize a pending investigation or other criminal proceeding, the information may be disseminated to a victim of the offense by the prosecutor or by the investigating law enforcement agency after consultation with the prosecutor.

(3) Unless otherwise ordered by a court, a person or criminal justice agency that accepts confidential criminal justice information assumes equal responsibility for the security of the information with the originating agency. Whenever confidential criminal justice information is disseminated, it must be designated as confidential.

(4) The county attorney or the county attorney's designee is authorized to receive confidential criminal justice information for the purpose of cooperating with local fetal, infant, and child mortality review teams. The county attorney or the county attorney's designee may, in that person's discretion, disclose information determined necessary to the goals of the review team. The review team and the county attorney or the designee shall maintain the confidentiality of the information."

Section 6. Section 50-16-525, MCA, is amended to read:

"**50-16-525. Disclosure by health care provider.** (1) Except as authorized in 50-16-529, ~~and~~ 50-16-530, and [section 2] or as otherwise specifically provided by law or the Montana Rules of Civil Procedure, a health care provider, an individual who assists a health care provider in the delivery of health care, or an agent or employee of a health care provider may not disclose health care information about a patient to any other person without the patient's written authorization. A disclosure made under a patient's written authorization must conform to the authorization.

(2) A health care provider shall maintain, in conjunction with a patient's recorded health care information, a record of each person who has received or examined, in whole or in part, the recorded health care information during the preceding 3 years, except for a person who has examined the recorded health care information under 50-16-529(1) or (2). The record of disclosure must include the name, address, and institutional affiliation, if any, of each person receiving or examining the recorded health care information, the date of the receipt or examination, and to the extent practicable a description of the information disclosed."

Section 7. Section 50-19-323, MCA, is amended to read:

"**50-19-323. Coordination of programs.** The department shall coordinate services under the MIAMI project with other services and programs in the state including:

(1) the early and periodic screening, diagnosis, and treatment services program under Title XIX of the federal Social Security Act;

(2) the Montana medicaid program established in 53-6-101; ~~and~~

(3) programs administered with funds under the federal Maternal and Child Health Services Block Grant Act, Public Law 97-35, as may be amended; and

(4) the services of fetal, infant, and child mortality teams as provided in [sections 1 through 4]."

NEW SECTION. **Section 8. Codification instruction.** [Sections 1 through 4] are intended to be codified as an integral part of Title 50, chapter 19, and the provisions of Title 50, chapter 19, apply to [sections 1 through 4].

NEW SECTION. **Section 9. Effective date.** [This act] is effective on passage and approval.

-END-

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES

Call to Order: By Chairman Duane Grimes, on January 31, 1997, at 3:00 P.M., in Room 104.

ROLL CALL

Members Present:

Rep. Duane Grimes, Chairman (R)
Rep. Loren L. Soft, Vice Chairman (Majority) (R)
Rep. Carolyn M. Squires, Vice Chairman (Minority) (D)
Rep. Darrel Adams (R)
Rep. Chris Ahner (R)
Rep. Ellen Bergman (R)
Rep. William E. Boharski (R)
Rep. John C. Bohlinger (R)
Rep. Bill Carey (D)
Rep. Tim Dowell (D)
Rep. Deb Kottel (D)
Rep. Billie Krenzler (D)
Rep. Brad Molnar (R)
Rep. Wes Prouse (R)
Rep. Diane Sands (D)
Rep. Bruce T. Simon (R)
Rep. Liz Smith (R)

Members Excused: None

Members Absent: None

Staff Present: David Niss, Legislative Services Division
Deb Thompson, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted:	HB 328 - 1/24	
	HB 333 - 1/24	
	HB 340 - 1/24	
Executive Action:	HB 256	DO PASS AS AMENDED
	HB 250	TABLE
	HB 340	DO PASS AS AMENDED
	SB 14	DO CONCUR

HEARING ON HB 328

Sponsor: Rep. Jon Ellingson, HD 65, Exhibit 1, 1a (statute; comparison shopping) *{Tape: 1; Side: A; Approx. Time Count: 0.5-*

Donald Beadle, Administrator, Mountain View Care Center; Exhibit 6

Informational Testimony: Linda Sandman, Certification Bureau, Exhibit 7 *{Tape: 1; Side: A; Approx. Time Count: 43.7; Comments: information from Baltimore.}*

Questions From Committee Members and Responses: *{Tape: 1; Side: B; Approx. Time Count: tape was going backwards in the negative from rewinding to start; Comments: questions 0.2-28.2.}*

Closing by Sponsor: Rep. Ellingson closed *{Tape: 1; Side: B; Approx. Time Count: 29.1; Comments: residents should have right to choose pharmacy; this needs to be codified in order to be free from victimization.}*

HEARING ON HB 333

Sponsor: Rep. Loren Soft, HD 12 *{Tape: 1; Side: B; Approx. Time Count: 31.4; Comments: infant mortality review teams, background, statistics; potential impact of Teams, better education, communication, expedite intervention, establish profiles, prevention strategies.}*

Proponents: John Melcher, Jr, Attorney for Health and Human Services *{Tape: 1; Side: B; Approx. Time Count: 35.9; Comments: access to information; discussed team makeup.}*

Jerry Loendorf, Montana Medical Association, Exhibit 8-statute

Christina Lynchfield, Public Health Nurse, Missoula County *{Tape: 2; Side: A; Approx. Time Count: 0.8; Comments: access to information minimal; need to understand underlying causes of death.}*

John Connor, Chief of the County Prosecutors Bureau, Department of Justice

Linda Neiman, SIDS mother *{Tape: 2; Side: A; Approx. Time Count: 5.7; Comments: described onslaught of helpers, investigators, agencies; professionals helped and were compassionate, did not treat as statistic; review teams will supply information that will ultimately help the survivors.}*

Mickey Nelson, Lewis and Clark County Coroner *{Tape: 2; Side: A; Approx. Time Count: 10.2; Comments: discussed the Arizona three year program that helps with problems as they arise.}*

Robert Runkel, Special Education, Department of Public Instruction *{Tape: 2; Side: A; Approx. Time Count: 11.2; Comments: statistics of violent youth death will improve programs in prevention.}*

Kate Cholewa, Montana Womens' Lobby, suggested an amendment

Hank Hudson, Child and Family Services Division *{Tape: 2; Side: A; Approx. Time Count: 13.7; Comments: removes barriers, facilitates services.}*

Steve Yeakel, Montana Childrens' Alliance, education, research and knowledge

Barbara Booher *{Tape: 2; Side: A; Approx. Time Count: 16.1; Comments: review teams will provide needed answers.}*

Karen Sedlock

Jim Ahrens, Montana Hospital Association

Russ Hill, Montana Trial Lawyers Association

Doug Moore

Arlette Randash

Mary Krushensky, Yellowstone MIAMI, (Exhibit A-handed in after the hearing but entered into the record)

Opponents: None

Questions From Committee Members and Responses: *{Tape: 2; Side: A; Approx. Time Count: 19.5-38.0; Comments: not investigatory team but prevention strategies.}*

Rep. Prouse *{Tape: 2; Side: A; Approx. Time Count: 38.0-40.6; Comments: Ms. Lynchfield discussed team members-Exhibit 9.}*

Ms. Lynchfield continued *{Tape: 2; Side: B; Approx. Time Count: 0-5.0; Comments: counties do it now but are prevented from sharing information, Exhibit 10, 10a, 10b, 10c.}*

Sam Sperry, Chief, Vital Statistics Bureau *{Tape: 2; Side: B; Approx. Time Count: 15.9-19.8; Comments: defined reportable fetal demise.}*

Closing by Sponsor: Rep. Soft closed HB 333 *{Tape: 2; Side: B; Approx. Time Count: 29.6; Comments: alternative way to explore prevention strategies, not investigation into privacy.}*

HEARING ON HB 340

Sponsor: Rep. Deb Kottel, HD 45 *{Tape: 2; Side: B; Approx. Time Count: 33.4-36; Comments: where to file death certificate.}*

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES

Call to Order: By CHAIRMAN DUANE GRIMES, on February 14, 1997, at 3:00 P.M., in ROOM 104.

ROLL CALL

Members Present:

Rep. Duane Grimes, Chairman (R)
Rep. Loren L. Soft, Vice Chairman (Majority) (R)
Rep. Carolyn M. Squires, Vice Chairman (Minority) (D)
Rep. Darrel Adams (R)
Rep. Chris Ahner (R)
Rep. Ellen Bergman (R)
Rep. William E. Boharski (R)
Rep. John C. Bohlinger (R)
Rep. Bill Carey (D)
Rep. Deb Kottel (D)
Rep. Billie Krenzler (D)
Rep. Brad Molnar (R)
Rep. Wes Prouse (R)
Rep. Diane Sands (D)
Rep. Bruce T. Simon (R)
Rep. Liz Smith (R)

Members Excused: None

Members Absent: None

Staff Present: David Niss, Legislative Services Division
Jaelene Racicot, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 538 & HB 515 (2-12-97)
Executive Action: HB 128 TABLED 16-0
HB 129 DO PASS AS AMENDED 9-7
HB 333 DO PASS AS AMENDED 9-6
HB 485 TABLED
HB 538 DO PASS 15-1

HEARING ON HB 538

Opening Statement by Sponsor:

REP. BOB KEENAN, HD 65, introduced the bill. *{Tape: 1; Side: A; Approx. Time Count: 0.}*

Claudia Clifford, State Auditor's Office. *{Tape: 1; Side: B; Approx. Time Count: 38.4.}*

Todd Thun, Montana Nurses Association. *{Tape: 2; Side: A; Approx. Time Count: .7.}*

Kate Cholewa, Montana Women's Lobby. *{Tape: 2; Side: A; Approx. Time Count: 1.4.}*

Chuck Butler, Blue Cross/Blue Shield. *{Tape: 2; Side: A; Approx. Time Count: 1.7.}*

Opponents' Testimony:

Tom Hopgood, Health Insurance Association of America. *{Tape: 2; Side: A; Approx. Time Count: 4.6.}*

Susan Good, Montana Association of Life Underwriters. *{Tape: 2; Side: A; Approx. Time Count: 11.5.}*

Informational Testimony:

Nancy Ellery, Department of Public Health and Human Services. *{Tape: 2; Side: A; Approx. Time Count: 13.1.}*

Questions From Committee Members and Responses:

{Tape: 2; Side: A; Approx. Time Count: 14.2.}

Closing by Sponsor:

REP. COBB closed. *{Tape: 2; Side: A; Approx. Time Count: 24.3.}*

EXECUTIVE ACTION ON HB 333

Motion/Vote: REP. SOFT MOVED TO TAKE HB 333 OFF THE TABLE. THE MOTION CARRIED.

Motion: REP. SOFT MOVED A DO PASS ON HB 333. *{Tape: 2; Side: A; Approx. Time Count: 27.4.}*

Discussion:

David Niss explained the Soft amendments. *{Tape: 2; Side: A; Approx. Time Count: 30.0.}*

Motion: REP. SOFT MOVED THE SOFT AMENDMENTS. THE MOTION CARRIED. *{Tape: 2; Side: A; Approx. Time Count: 32.5.}*

Motion: REP. SOFT MOVED HB 333 DO PASS AS AMENDED. *{Tape: 2; Side: A; Approx. Time Count: 32.9.}*

Discussion:

REP. BOHARSKI. *{Tape: 2; Side: A; Approx. Time Count: 33.0; Comments: Questioned REP. SOFT.}*

REP. BOHLINGER. *{Tape: 2; Side: A; Approx. Time Count: 34.7.}*

REP. MOLNAR. *{Tape: 2; Side: A; Approx. Time Count: 36.2.)*

REP. CAREY. *{Tape: 2; Side: A; Approx. Time Count: 37.5.}*

REP. KOTTEL. *{Tape: 2; Side: A; Approx. Time Count: 38.2.}*

REP. SOFT. *{Tape: 2; Side: A; Approx. Time Count: 38.7.}*

Vote: A ROLL WAS VOTE WAS TAKEN. THE MOTION PASSED 9 - 6 WITH NO PROXY FROM REP. SMITH. *{Tape: 2; Side: A; Approx. Time Count: 39.0.}*

EXECUTIVE ACTION ON HB 128

Motion: REP. SOFT MOVED TO TABLE HB 128. *{Tape: 2; Side: A; Approx. Time Count: 41.1.}*

Discussion:

REP. SOFT discussed all the issues regarding HB 128. *{Tape: 2; Side: A; Approx. Time Count: 43.1.}*

Vote: THE MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 386

Motion: REP. MOLNAR MOVED HB 386 FROM THE TABLE. *{Tape: 2; Side: A; Approx. Time Count: 43.3.}*

Discussion:

REP. MOLNAR. *{Tape: 2; Side: B; Approx. Time Count: 0; Comments: Explained the Molnar amendments.}*

REP. BOHARSKI. *{Tape: 2; Side: B; Approx. Time Count: 4.1; Comments: Questioned REP. MOLNAR.}*

REP. KOTTEL. *{Tape: 2; Side: B; Approx. Time Count: 8.0.}*

REP. SIMON. *{Tape: 2; Side: B; Approx. Time Count: 10.1; Comments: Questioned REP. MOLNAR.}*

REP. ADAMS. *{Tape: 2; Side: B; Approx. Time Count: 14.6.}*

REP. PROUSE. *{Tape: 2; Side: B; Approx. Time Count: 15.7.}*

SENATE PUBLIC HEALTH, W & S

- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE ------- REREFERRED ---- DATE READ

HB0149	JOHNSON, ROYAL		REVISE PROVISIONS REGARDING THE HEALTH FACILITY AUTHORITY					
	2/17	3/12		CONCUR AS AMENDED	3/12	VOTE:		3/14
HB0184	PECK, RAY		GEN. REVISE LAWS RELATING TO GUIDE & HEARING DOGS; DEFINE "SERVICE ANIMAL"					
	1/29	2/05		CONCUR AS AMENDED	2/12	VOTE:		2/14
HB0256	BERGMAN, ELLEN		CLARIFY LPN AS CHARGE NURSE IN CERTAIN LONG-TERM CARE FACILITIES					
	2/07	3/07		CONCUR	3/10	VOTE: UNANIMOUS		3/12
HB0297	MCCANN, MATT		PROVIDE INSURED PERSONS DIRECT ACCESS TO DERMATOLOGICAL SERVICES					
	2/11	3/07		TABLED ON	03/10	VOTE:		
HB0298	JOHNSON, ROYAL		EXTEND HEALTH CARE ADVISORY COUNCIL TO 2001; 2 YEAR TERMS; 3 TERMS MAX					
	3/28	4/07		CONCUR	4/7	VOTE:		4/08
HB0302	BOHLINGER, JOHN		REQUIRE PROTOCOL FOR REFERRING IMPAIRED DENTISTS TO REHAB					
	2/05	3/07		CONCUR AS AMENDED	3/10	VOTE:		3/12
HB0333	SOFT, LOREN		FETAL, INFANT, AND CHILD MORTALITY REVIEW TEAMS					
	2/21	3/17		CONCUR AS AMENDED	3/21	VOTE:		3/24
HB0340	KOTTEL, DEB		REVISE DEATH CERTIFICATE LAWS					
	2/08	3/05		CONCUR	3/5	VOTE:		3/06
HB0351	BOOKOUT, SYLVIA		CHANGE SANITARIAN TO ENVIRONMENTAL HEALTH SPECIALIST					
	2/11	3/10		CONCUR	3/10	VOTE: UNANIMOUS		3/12
HB0359	KASTEN, BETTY LOU		AMEND LAW RELATING TO LICENSURE OF HEALTH CARE FACILITIES					
	2/11	3/05		CONCUR	3/5	VOTE:		3/06
HB0365	MCGEE, DANIEL		CREATE OFFENSE OF CAUSING PARTIAL-BIRTH ABORTIONS					
	3/03	3/26		CONCUR	3/26	VOTE: 6-3		3/28
HB0370	TUSS, CARLEY		REVISE TUMOR REGISTRY LAWS					
	2/11	3/05		CONCUR	3/5	VOTE:		3/06

MINUTES

MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE, & SAFETY

Call to Order: By **CHAIRMAN STEVE BENEDICT**, on March 17, 1997, at 3:07 PM, in Room 410.

ROLL CALL

Members Present:
Sen. Steve Benedict, Chairman (R)
Sen. James H. "Jim" Burnett, Vice Chairman (R)
Sen. Larry L. Baer (R)
Sen. Chris Christiaens (D)
Sen. Bob DePratu (R)
Sen. Dorothy Eck (D)
Sen. Sharon Estrada (R)
Sen. Eve Franklin (D)
Sen. Fred Thomas (R)

Members Excused: None

Members Absent: None

Staff Present: Susan Fox, Legislative Services Division
Karolyn Simpson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted: HB 333, HB 538, HB 129, 3/7/97
Executive Action: SJR 16, HB 412, HB 333, HB 538

HEARING ON HB 333

Sponsor: **REP. LOREN SOFT, HD 12, Billings**

Proponents: **John Melcher, Attorney, Department of Health**
Christina Litchfield, Msla City-County Health Dept.
Steve Yeakel, MT Council Maternal and Child Health
Mike McGrath, L & C County Attorney
Betty Waddell, MT Assn. Churches
Robert Runkel, Office Public Instruction
Russell Hill, MT Trial Lawyers Assn.

Opponents: None

Opening Statement by Sponsor:
REP. LOREN SOFT, HD 12, Billings, said the rational for HB 33 is, an infant in the U.S. dies every 14 minutes. Even after years of increased government funding for all kinds of programs including prenatal outreach, sex education, school-based health clinics, Medicare programs for women, infants, and children, the United States has one of the highest infant mortality rates in the world. HB 333 establishes a policy for the development of community review teams composed of local community professionals to pool their cumulative expertise to promote the health, welfare and safety of unborn children, infants, and children.

Montana ranks 14th in the nation for child death rates. There are an average of 87 fetal deaths per year, after 20 weeks gestation, more than 80 deaths per days of children aged birth to one year. And Montana's violent youth deaths, mostly adolescents, ranks 11th highest in the nation. Montana has the 5th highest teenage suicide rate in the United States.

Questions to be asked are: how many fetal, infant, and child deaths are preventable and what can be done to prevent these deaths, what are the main causes of these deaths, and what kind intervention could reduce child and infant deaths in Montana. HB 333 would establish a policy to create voluntary community-based review teams whose purpose would be to review existing records or documentation from sources such as death certificates, medical examiner reports, emergency room reports, juvenile court records, sheriff department records, EMS records, and child protection records. The purpose of the review would be to determine the underlying causes of infant and child deaths, identify the risks, what could be done to prevent them, and work with local agencies for intervention. **(EXHIBIT 1)**

The House committee had several questions: confidentiality issue in the use of official records, who would approve the team members, why is this bill needed, and why a team can't be formed and do this now. The bill has been amended to take care of these concerns. Without this bill, these volunteer review teams could not have access to all the necessary information and reports.

Proponents' Testimony:
John Melcher, Attorney, Department of Public Health and Human Services, reviewed the provisions of the bill.
Section 1, access to information provision. Amendments to the law have been created to allow for access to health care and criminal justice information by mortality review teams.
Section 3, makeup of the team provisions. There is a new provision that sets out who is to be on the team, how the team gets started.
Section 4, confidentiality of the material collected by the mortality review team.
Section 5, prohibits disclosure of information by team members.
Section 7, amends the criminal justice information act.
Section 8, amendment to the health care information act.

Christina Litchfield, Public Health Nurse, Missoula City-County Health Department, testified in support of HB 333. **(EXHIBITS 2-7)**

Steve Yeakel, Montana Council Maternal and Child Health, said this bill is one of the best ways to improve public health. There needs to be a mechanism to bring teams together to save the lives of children.

Mike McGrath, Lewis & Clark County Attorney, President, County Attorney's Association, said county attorneys will be participating with these local team and they support HB 333.

Betty Waddell, Montana Association of Churches, said they support HB 333 because of their concern about children, the high death infant mortality rate, and high juvenile suicide rate in Montana.

Robert Runkel, Office Public Instruction, said child and youth deaths, and especially violent youth deaths are too common in Montana, and they affects families, communities, and schools. This bill will give schools an opportunity for a greater understanding of the causes of deaths and methods of preventing deaths.

Russell Hill, Montana Trial Lawyers Association, said this amended version of the bill is better than the original and they support the amended bill. They have had concerns about the expanded access to confidential information by the review teams. Referring to page 1, line 24, he said there is an inconsistency where a patient or his representative has no control over the release of information and doesn't require the health care provider to release that information. **(EXHIBIT 8)**

Opponents' Testimony: None

Questions From Committee Members and Responses:
SENATOR CHRIS CHRISTIAENS asked what the age limit will be and the age range of mortality the team will study.

REP. SOFT said it will start after 20 weeks gestation, or whatever the current law is.

SENATOR CHRISTIAENS asked what the upper age limit will be.

Christina Litchfield said that is something the local teams will determine and probably will be up to 19 years of age.

SENATOR CHRISTIAENS said he had a letter from John Conner, Assistant Attorney General, that talks about suspicious criminal in nature and unable to be prosecuted because of lack of evidence resulting from inadequate initial review procedure. He asked how this will fit into the bill and how would that information bring about a prosecution.

REP. SOFT said this will not bring about prosecution but just to determine the cause of the death. The purpose of the team is to find out why the child died and determine if it was preventable.

SENATOR CHRISTIAENS asked how it would work with Indian reservations because those are sovereign nations.

REP. SOFT referred the question to **Christina Litchfield.**

Christina Litchfield said mortality review teams are already in place on some of the reservations.

SENATOR CHRISTIAENS asked if the reservation review teams can be combined with county teams or will they stand alone.

Christina Litchfield said she didn't know and is concerned because the law may be different for them.

SENATOR CHRISTIAENS referred to Section 9, coordination of services under the MIAMI project, and said since it is not in place in all counties and how will it work.

Ann Gilkey, Staff Attorney, Department of Health, deferred to **Christian Litchfield.**

Christina Litchfield said there are at least 20 MIAMI sites in Montana and it would be logical if counties wanted to start review teams, they would have the support of the MIAMI program.

SENATOR JIM BURNETT, referring to the need for confidentiality, said the Department has all the chips and the family has nothing, and has no way to combat what the Department has. In the many communications he has received, the Department does not release any information to families.

Christina Litchfield said the teams would not ask the families for permission to do a mortality review. The purpose of this bill is not to place blame on anybody but just try to determine the cause of death and whether it could have been prevented and how.

SENATOR EVE FRANKLIN asked if there are any review teams in place now and about the parameters of the team.

John Melcher deferred the question to **Christina Litchfield.** She said Missoula had a pilot team, looked at death certificates from 20 weeks gestation through 19 years of age, and tried to determine how the team might work. Great Falls has a fetal and infant team, are interested in expanding to age six, and have limited parameters as to what they can do. Bozeman has a fetal and infant team, and the Yellowstone team is hoping to review deaths up to 19 years. Each community teams have different parameters, but will review all infant deaths. At this point, none of the teams have the authority to share information.

SENATOR SHARON ESTRADA asked what the MIAMI project is.

Steve Yeakel said it is one of the greatest acronyms in the history of Montana State government. It stands for Montana's Initiative for the Abatement of Mortality in Infants.

SENATOR DOROTHY ECK asked **REP. SOFT** how he sees the team's taking action to encourage a prevention program.

REP. SOFT deferred to **Christina Litchfield,** who said a community told her because many car accidents were happening in a particular location, they recommended installing a stop light or stop sign at that location. Teams would identify areas of risk and address those specifically.

SENATOR ECK said the lack of pre-natal care is one of the biggest predictors of infant mortality and asked if the team will address that issue.

Christina Litchfield said Missoula has been learned from reviewing infant mortality, that moms are accessing prenatal care in the first trimester and following through with prenatal care, so they are not as concerned as before MIAMI started. Each community decides what their problem area is.

SENATOR DePRATU asked if there are specific needs for funding.

Christina Litchfield said no because the bill places the responsibility on the Department to get these teams started, they would have to give the public health nurse or administrator a little bit of time to get the teams started.

CHAIRMAN BENEDICT asked if there is a possible future time when volunteers are not there and there will be a request to the Legislature for funding.

Christina Litchfield said a lot of teams have been established around the country since 1978 and, so far, there has been no problem getting volunteers.

SENATOR FRANKLIN asked about the confidentiality issue, how the team would access information, and if the documents include names.

Christina Litchfield said protocol has been developed and a registrar will be on the team. The team will have access to information on records but it is not recommended the team have copies of the records.

Closing by Sponsor:
REP. LOREN SOFT said these infant mortality teams may be able to answer some questions, identify a pattern of childhood deaths, and distinguish between accidents, parental negligence and abuse.

{Tape: 1; Side: B; Approx. Time Count: 3:51 PM}

HEARING ON HB 129

Sponsor: **REP. LOREN SOFT, HD 12, Billings**

Proponents: **Hank Hudson, Department of Health**
Gloria Hermanson, MT Psychological Assn.
Bob Torres, MT Chapter Social Workers
Betty Waddell, MT Assn. Churches
Allen Cranford, Christian Science Church of MT

Opponents: None

Opening Statement by Sponsor:
REP. LOREN SOFT, HD 12, Billings, said HB 129 clarifies the definition of abuse and neglect, clarifies emotional abuse, clarifies procedures for notifying parents of an investigation.
Section 1, subsection 2: clarifies a court may not order supervised visitation in divorce cases where the Department is not involved because no child issues are involved.
Page 3, section 3: adult who resides in the same home where a child resides, such as step parent or other live-in adult who may be charged with abuse.
Page 3, line 28, subsection 7: emotional abuse must be evidenced by identifiable and substantial impairment of the child. This holds the Department and the workers more accountable to proving emotional abuse.
Page 4, line 10: harm to a child is not always direct and open, such as a child exposed to sexual abuse in the home by an older sibling, drugs, or pornography. This tells parents they are accountable for their children's well-being and safety.
Page 4, line 25-30: clarifies to the Department of Health what types of injuries that constitute abuse. There is always that fine line between spanking and abuse. In Montana it is still legal to spank a child and it is not described as abuse in the statutes. Gross abuse is the issue.
Page 8, line 8-24: procedures the Department must go through in a child abuse investigation.
Page 8, line 26: interviewing the parent or guardian regarding the abuse or neglect of the child.
Page 10: confidentiality of records, including adoption agencies who perform home investigations.
Page 9: how records are handled, the destruction of unfounded allegations of abuse or neglect. This is controversial and is posing a problem for police and sheriff departments.
Page 12-14: definition of criteria for termination of parental rights.
Page 15: provides for approving a family member for child care because it is important for children to stay within the family, if at all possible, but is only applicable when the child is placed by the Department.

EXECUTIVE ACTION ON HB 412

Motion: **SENATOR LARRY BAER moved HB 412 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY.**

SENATOR DOROTHY ECK will carry the bill.

EXECUTIVE ACTION ON HB 333

Discussion: **SENATOR CHRIS CHRISTIAENS** said he is concerned the age parameters in this bill are too broad.

SENATOR SHARON ESTRADA said when she first heard that age 19 would be the upper limit for the community mortality review teams she was troubled, but then thinking about it, age 19 does make sense because fatal injuries from auto accidents, motorcycle accidents, bicycle accidents tend to occur in the 18 to 19-age group.

Motion: **SENATOR CHRISTIAENS moved HB 333 BE CONCURRED IN.**

Discussion: **SENATOR FRED THOMAS** said regarding the age element, there was a young man, in his community, 17-18 years of age who committed suicide. If this review team was put together in his area, they probably would look at this case.

SENATOR ESTRADA said another problem with the upper age group is drugs and drug abuse that is more common at the older age level.

CHAIRMAN BENEDICT said another problem is communicable diseases in this age group.

SENATOR CHRISTIAENS said if this program is going to be done, he would like it to be meaningful and the counties share the information state wide. There's nothing in this bill that says counties will share information developed. We already know some of these things, but it's a coordination issue and would like a pilot project that has good results and good statistics that are usable and meaningful. But, if it's too broad, it's doomed to fail.

SENATOR BOB DePRATU agreed the upper age should be 18 years because of all the societal changes and to see the trends in families, changes in attitudes toward drugs, and communicable diseases, and probably need that period to develop something meaningful.

SENATOR ESTRADA agreed with **SENATOR DePRATU** and said this program isn't going to cost anything and it is probably needed.

SENATOR ECK said it is a voluntary program but if the legislature decides to do this, then the Department of Health should help to set it up. At present, information is collected and shared in the public health sector.

CHAIRMAN BENEDICT agreed, saying the individuals seemed to be intent and will probably work out the problems.

SENATOR EVE FRANKLIN said **Christina Litchfield** said protocol has been developed and parameters set.

SENATOR THOMAS said **REP. SOFT** asked him to carry this bill. It will encourage communities to set up these review teams but this needs to be in law so the committee can get the data about the deaths which they need.

SENATOR CHRISTIAENS said this could be a better bill. There is no mention of what will be done on Indian reservations and he would like to see something that ties in with Indian health services. He would like to see something to encourage their involvement because of the infant mortality and high suicide rate on the reservations. It talks specifically about MIAMI which still is in only 20 plus sites in a 56 county area, and thinks this program should be expanded.

SENATOR ECK said there is a need for more information.

SENATOR FRANKLIN said information is collected then what to do with it and suggested coordinating with the state epidemiologist.

CHAIRMAN BENEDICT said the whole thrust of the bill is voluntary and when restrictions are put in, it places barriers to the effort. This bill just allows the process to begin and then see where it goes.

SENATOR THOMAS referred to page 1, lines 2 and 3, saying the focus is to encourage local communities to do this.

SENATOR ESTRADA said this is one of the few bills that has come through, that is voluntary, has no fiscal note and it is good for the youth.

SENATOR CHRISTIAENS said he would like to have something in the bill that specifically includes Native Americans because there is distrust. In Glacier county, Indians will be included in the community group. He then withdrew his BE CONCURRED IN motion for HB 333.

EXECUTIVE ACTION ON HB 538

Motion: **SENATOR THOMAS moved HB 538 BE CONCURRED IN.**

Motion/Vote: **SENATOR THOMAS moved the AMENDMENTS to HB 538 DO PASS. The motion CARRIED UNANIMOUSLY.**

Motion/Vote: **SENATOR THOMAS moved HB 538 BE CONCURRED IN AS AMENDED. The motion CARRIED UNANIMOUSLY.**

MINUTES

MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE, & SAFETY

Call to Order: By **SENATOR BOB DePRATU**, on March 21, 1997, at 3:17 PM, in Room 410.

ROLL CALL

Members Present:
Sen. Steve Benedict, Chairman (R)
Sen. James H. "Jim" Burnett, Vice Chairman (R)
Sen. Larry L. Baer (R)
Sen. Chris Christiaens (D)
Sen. Bob DePratu (R)
Sen. Dorothy Eck (D)
Sen. Sharon Estrada (R)
Sen. Eve Franklin (D)
Sen. Fred Thomas (R)

Members Excused: None

Members Absent: None

Staff Present: Susan Fox, Legislative Services Division
Karolyn Simpson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted: HB 386, HB 146, 3/7/97
Executive Action: HB 502, HB 333, HB 129, HB 558

HEARING ON HB 386

Sponsor: REP. BRAD MOLNAR, HD 22, Laurel

Proponents: Charles Lorensen, self
Helen Barbara Lange, self
Verdell Jackson, self
Betty Asplin, Family for Families
Kenneth Haugen, Family for Families
Glen Hage, self
Casey George, self
Frank Fitzgerald, self

Opponents: Hank Hudson, Department of Health
Jean Whittinghill, Court Assessment Program
Mary Alice Cook, Lobbyist for Children & Families

Hank Hudson said this bill would be funded through the block grant and not SB 374.

Closing by Sponsor:
REP. ROYAL JOHNSON said the amendments take care of the problem.

EXECUTIVE ACTION ON HB 502

Motion: **SENATOR CHRIS CHRISTIAENS moved HB 502 BE CONCURRED IN.**

Motion: **SENATOR CHRISTIAENS moved the AMENDMENTS (HB 050202.asf) to HB 502 DO PASS. (EXHIBIT 8)**

Discussion: **SENATOR CHRISTIAENS** explained the amendments. This bill gives the individual, who going to appear for an involuntary commitment, time to receive the information.

CHAIRMAN BENEDICT asked if **REP. SOFT** agreed with these amendments.

SENATOR CHRISTIAENS said he didn't know.

Beda Lovitt, Department of Health, said she had spoken with **REP. SOFT** about this amendment, and he has no objection.

CHAIRMAN BENEDICT said he and **SENATOR THOMAS** had had communication from their county attorney about the amendments.

Beda Lovitt said the County Attorneys Association has no objections.

Vote: **The DO PASS motion for the AMENDMENTS to HB 502 CARRIED UNANIMOUSLY.**

Motion/Vote: **SENATOR CHRISTIAENS moved HB 502 BE CONCURRED IN AS AMENDED. The motion CARRIED with SENATOR ESTRADA voting NO.**

SENATOR MIGNON WATERMAN will carry HB 502.

EXECUTIVE ACTION ON HB 333

Motion: **SENATOR CHRIS CHRISTIAENS moved HB 333 BE CONCURRED IN.**

Motion: **SENATOR CHRISTIAENS moved the AMENDMENTS (HB033301.ASF) to HB 333 DO PASS. (EXHIBIT 9)**

Discussion: **SENATOR CHRISTIAENS** said as the bill was presented to the committee, it excluded Native Americans on Indian reservations and he felt they needed to be included.

SENATOR FRED THOMAS asked if **REP. SOFT** had agreed to these amendments.

Christina Litchfield said she had spoken to **REP. SOFT** and he had agreed to the amendments.

Vote: **The DO PASS motion for the AMENDMENTS to HB 333 CARRIED UNANIMOUSLY.**

Motion/Vote: **SENATOR CHRISTIAENS moved HB 333 BE CONCURRED IN AS AMENDED. The motion CARRIED UNANIMOUSLY.**

SENATOR FRED THOMAS will carry the bill.

EXECUTIVE ACTION ON HB 129

Motion: **SENATOR CHRIS CHRISTIAENS moved HB 129 BE CONCURRED IN.**

Discussion: **CHAIRMAN BENEDICT** said the Christian Science amendment was not requested by any member of the Legislature and asked if the committee had any desire to discuss it.

SENATOR EVE FRANKLIN said she didn't work on it, and if any work will be done on it, she will have to do it on the floor.

Vote: **The BE CONCURRED IN motion for HB 129 CARRIED UNANIMOUSLY.**

SENATOR JIM BURNETT will carry the bill.

EXECUTIVE ACTION ON HB 558

Amendments: **CHAIRMAN BENEDICT** said there are amendments to the bill. They were requested by **REP. SMITH**, and are revised.

SENATOR CHRISTIAENS said the Department of Health had some amendments.

Motion: **SENATOR FRED THOMAS moved HB 558 BE CONCURRED IN.**

Motion: **SENATOR CHRISTIAENS moved the Department of Health AMENDMENTS (HB558-5.AMD) to HB 558 DO PASS. (EXHIBIT 10)**

Discussion: **CHAIRMAN BENEDICT** said these amendments conflict with one another, so would have to make a decision on these amendments or **REP. SMITH's** amendments.

Motion/Vote: **SENATOR SHARON ESTRADA made a substitute motion to use REP. SMITH'S amendments (HB055801.asf) first. (EXHIBIT 11) The motion CARRIED with SENATORS BAER, CHRISTIAENS, FRANKLIN and ECK voting NO.**

Motion/Vote: **SENATOR ESTRADA moved REP. SMITH's AMENDMENTS to HB 558 DO PASS.**